



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Beach et al.
Serial No. : 09/231,625
Filed : January 14, 1999
Title : INFRASTRUCTURE FOR WIRELESS LANS

Art Unit : 2663
Examiner : Chi Ho A Lee

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Commissioner for Patents
Washington, D.C. 20231

REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(B)

Pursuant to 37 CFR 1.48(b), the undersigned, an attorney of record by virtue of a Revocation and New Power of Attorney being filed herewith, requests that the inventorship be corrected to delete Heiner Schwede as a named inventor.

The joint inventors Robert Beach and Heiner Schwede were correctly named with respect original claims 1-18. As a result of the Reply being filed herewith, claims 1-18 are being cancelled and new claims 19-41 are being added. The invention described in new claims 19-41 is the sole invention of Robert Beach, who is the actual inventor of these claims. The invention of Heiner Schwede is no longer being claimed in this application.

A check for \$130 for the fee under 37 CFR 1.17(i) is enclosed herewith.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: April 15, 2003

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REQUEST FOR INTERFERENCE PURSUANT TO 37 CFR 1.604

Applicants request the declaration of an interference pursuant to 37 CFR 1.604 between this application and U.S. Patent Application No. 09/457,624, filed December 8, 1999.

I. The Requirements of Rule 604 Are Satisfied

A. Proposed Count for Interference and Identification of Corresponding Claims In this Application

In accord with 37 CFR 1.604(1), Applicants propose the following Count 1:

Claim 19 or claim 20 or claim 21 or claim 22 or claim 23 or claim 24 or claim 25 or claim 26 or claim 27 or claim 28 or claim 29 or claim 30 or claim 31 or claim 32 or claim 33 or claim 34 or claim 35 or claim 36 or claim 37 or claim 38 or claim 39 or claim 40 or claim 41 **of the above-captioned application** or claim 1 or claim 2 or claim 3 or claim 4 or claim 5 or claim 6 or claim 7 or claim 8 or claim 9 or claim 10 or claim 11 or claim 12 or claim 13 or claim 14 or claim 15 or claim 16 or claim 17 or claim 18 or claim 19 or claim 20 or claim 21 or claim 22 or claim 23 or claim 24 or claim 25 or claim 26 or claim 27 or claim 28 or claim 29 or claim 30 or claim 31 or claim 32 or claim 33 or claim 34 or claim 35 or claim 36 or claim 37 or claim 38 or claim 39 or claim 40 or claim 41 or claim 42 or claim 43 **of U.S. Patent Application No. 09/457,624, filed December 8, 1999.**

Also in accord with 37 CFR 1.604(1), Applicants identify claims 19-41 in their application as corresponding to the proposed Count 1, because these claims are incorporated in Count 1 and therefore correspond exactly to Count 1. Claims 19-41 in this application are exactly copied from claims 1-4, 8, 12, 15, 20, 21, 25-27, 29, 32, 33, 37, 38, 42-44, 48, 50 and 51, respectively, of WO 01/43467, published on June 14, 2001, which corresponds to U.S. Patent

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Application No. 09/457,624, filed December 8, 1999, as appears from the face of that publication (copy enclosed as Exhibit A hereto).

B. Identification of Other Patent Application and Corresponding Claims

In accord with 37 CFR 1.604(2), Applicants identify U.S. Patent Application No. 09/457,624, filed December 8, 1999, which application corresponds to WO 01/43467, published on June 14, 2001. Applicants believe that the claims originally filed in U.S. Patent Application No. 09/457,624, filed December 8, 1999 are likely to be the same as claims 1-43 in the published PCT application, and identify claims 1-43 of U.S. Patent Application No. 09/457,624, filed December 8, 1999 as corresponding to the proposed Count 1, because these claims are incorporated in Count 1 and therefore correspond exactly to Count 1. Even if the claims in U.S. Patent Application No. 09/457,624 have been amended during prosecution, so long as one of the claims presently pending and found patentable in that application is the same as or obvious in light of one of claims 19-41 of the above-captioned application, it will still define the same patentable invention under 37 CFR 1.601(n) and still provide the basis for declaration of an interference.

C. Explanation as to why an Interference Should be Declared

The above-captioned application and U.S. Patent Application No. 09/457,624, filed December 8, 1999, are believed to each contain at least one claim that is patentable over the prior art to each party, and to define interfering subject matter with respect to each other. Under these conditions, an interference should be declared between the applications.

II. Applicants Are Entitled to Senior Party Status

A. This Application

This application was filed on January 11, 1999, claiming priority from U.S. Provisional Application No. 60/071,302, filed January 16, 1998 under 35 USC 119(e)(1). The following chart applies the terms of new claims 19-41 to the disclosure in this application (identified as

'625 in the chart) and to the disclosure in the provisional application (identified as '302 in the chart), establishing the written description support for new claims 19-41 under 35 USC 112, first paragraph in both applications and also establishing that the provisional application constitutes a constructive reduction to practice of Count 1, such that applicants are entitled to benefit of the provisional application in the Notice Declaring Interference.

Claim Limitation	Support for Limitation
19. A wireless Local Area Network system comprising:	The title refers to "Wireless LANs"
a wireless communication server; and	intelligent switching hub 16 is a wireless communications server
one or more access points operably connected to the wireless communication server,	access points 14 are connected to a switching hub 16 (i.e., the wireless communications server)
the access points adapted to wirelessly transmit and receive data to and from remote units using a radio frequency communications such that the remote units form part of a wireless Local Area Network,	"The system uses access points 14 to provide radio packet communications with the mobile units 12 using the frequency hop spread spectrum communications protocol of IEEE Standard 802.11" ('625, 7:10-12; '302, 4:1-3); see '625, 8:17-9:1; '302, 5:6-9 re two-way transmitting.
wherein the wireless communication server is physically separate from the access points,	switching hub 16 (i.e., the wireless communications server) is physically separate from access points 14
the wireless communication server maintaining centralized filtering and forwarding of data to be transmitted to the remote units.	"The hub will route the packet to an access point only if the destination address of the packet is identified on the list 34, otherwise the packet is ignored." ('625, 8:17-19; '302, 5:6-7).
20. The wireless Local Area Network system of Claim 19 wherein the wireless communication server is connected through conventional network elements to the access points.	Communication line 20 between switching hub 16 (i.e., the wireless communications server) and each access point 14 transmits Ethernet packets ('625, 9:11-13; '302, 5:13-15).
21. The wireless Local Area Network system of Claim 19 wherein the wireless communication server and the one or multiple access points are connected to an existing wired network.	The Ethernet communication lines 20 between switching hub 16 (i.e., the wireless communications server) and the access points 14 are an existing wired network. ('625, 9:11-13; '302, 5:13-15).
22. The wireless Local Area Network	The Ethernet communication lines 20

system of Claim 21 wherein the existing wired network is an Ethernet network or a network that adheres to other IEEE 802 standards.	between switching hub 16 and the access points 14 are an Ethernet network. ('625, 9:11-13; '302,5:13-15).
23. The wireless Local Area Network system of Claim 19 wherein the wireless communication server is connected to the one or multiple access points through a direct cable connection.	The Ethernet communication lines 20 provide direct cable connections between switching hub 16 (i.e., the wireless communications server) and the access points 14. ('625, 9:11-13; '302,5:13-15).
24. The wireless Local Area Network system of Claim 19, wherein the wireless communication server can concurrently operate with multiple access points utilizing different wireless media types and/or data rates	The "system that includes paging and voice data links" ('625, 1:16; '302, 2:9) has different wireless media types.
25. The wireless Local Area Network system of Claim 19, wherein the wireless communication server includes at least one destination table relating remote units to access points.	"intelligent hub [i.e., the wireless communications server] which maintains a routing list of mobile units 12 and their associated access point 14" ('625,8:6-11; '302, 4:17-18).
26. The wireless Local Area Network system of Claim 19 further comprising at least one additional wireless communication server.	At least one additional hub 16 (i.e., wireless communications server) is shown in Fig. 1 of the '625 and '302 applications.
27. The wireless Local Area Network system of Claim 26, wherein said at least one additional wireless communication server provides services for additional access points.	The additional hub 16 provides service for additional access points 14, as appears from Fig. 1 of the '625 and '302 applications.
28. The wireless Local Area Network system of Claim 19, wherein the access points transmit the radio frequency wireless signals using an unlicensed frequency band.	A 2.4 Ghz frequency is disclosed ('625, 10:7; '302, 5:21). This frequency is described as unlicensed in WO 01/43467 at 1:16-17.
29. The wireless Local Area Network system of Claim 19, wherein the system provides the automatic association of the access points and the wireless communication server.	The updating of source listing in step 32 in Fig. 2 is an automatic association of access points and the additional hub 16 (i.e., wireless communications server)('625, 8:4-11; '302, 4:14-21)
30. The wireless Local Area Network system of Claim 19, wherein the wireless communication server filters network data based on a remote unit identification.	"The hub will route the packet to an access point only if the destination address of the packet [i.e., remote unit identification] is identified on the list 34, otherwise the packet is ignored." ('625, 8:17-19; '302,

	5:6-7).
31. A wireless Local Area Network system comprising:	The title refers to "Wireless LANs"
at least one wired-network element;	Communication line 20 (i.e., a wired-network element) between switching hub 16 (i.e., the wireless communications server) and each access point 14 transmits Ethernet packets ('625, 9:11-13; '302,5:13-15).
a wireless communication server operably connected to the at least one wired-network element; and	intelligent switching hub 16 is a wireless communications server
one or multiple access points operably connected to the wireless communication server through the wired-network element,	access point 14 is operably connected to a switching hub 16 (i.e., the wireless communications server) via a communication line 20 (i.e., a wired-network element)
the access points adapted to wirelessly transmit and receive data to and from remote units using a radio frequency communications such that the remote units form part of a wireless Local Area Network,	"The system uses access points 14 to provide radio packet communications with the mobile units 12 using the frequency hop spread spectrum communications protocol of IEEE Standard 802.11" ('625, 7:10-12; '302, 4:1-3); see '625, 8:17-9:1; '302, 5:6-9 re two-way transmitting.
wherein the wireless communication server is physically separate from the access points,	switching hub 16 (i.e., the wireless communications server) is physically separate from access points 14
the wireless communication server maintaining centralized filtering and forwarding of data to be transmitted to the remote units.	"The hub will route the packet to an access point only if the destination address of the packet is identified on the list 34, otherwise the packet is ignored." ('625, 8:17-19; '302, 5:6-7).
32. The wireless Local Area Network system of Claim 31, wherein the wireless communication server can concurrently operate with multiple access points utilizing different wireless media types and/or data rates.	The "system that includes paging and voice data links" ('625, 1:16; '302, 2:9) has different wireless media types.
33. The wireless Local Area Network system of Claim 31 further comprising at least one additional wireless communication server.	At least one additional hub 16 (i.e., wireless communications server) is shown in Fig. 1 of the '625 and '302 applications.
34. A wireless Local Area Network system comprising:	The title refers to "Wireless LANs"

a wireless communication server; and	intelligent switching hub 16 is a wireless communications server
one or more access points functionally connected to the wireless communication server,	access point 14 is functionally connected to a switching hub 16 (i.e., the wireless communications server) via a communication line 20
the access points adapted to wirelessly transmit and receive data to and from remote units using a radio frequency communications such that the remote units form part of a wireless Local Area Network,	"The system uses access points 14 to provide radio packet communications with the mobile units 12 using the frequency hop spread spectrum communications protocol of IEEE Standard 802.11" ('625, 7:10-12; '302, 4:1-3); see '625, 8:17-9:1; '302, 5:6-9 re two-way transmitting.
wherein the wireless communication server is physically separate from the access points,	switching hub 16 (i.e., the wireless communications server) is physically separate from access points 14
the wireless communication server maintaining at least one centralized function for the one or more access points.	"The hub will route [a centralized function] the packet to an access point only if the destination address of the packet is identified on the list 34, otherwise the packet is ignored." ('625, 8:17-19; '302, 5:6-7).
35. The wireless communication system of claim 34, wherein the at least one centralized function includes the centralized filtering and forwarding of data to be transmitted to the remote units.	"The hub will route the packet to an access point only if the destination address of the packet is identified on the list 34, otherwise the packet is ignored." ('625, 8:17-19; '302, 5:6-7).
36. A wireless Local Area Network system comprising:	The title refers to "Wireless LANs"
a wireless communication server; and	intelligent switching hub 16 is a wireless communications server
two or more access points operably connected to the wireless communication server,	access points 14 are connected to a switching hub 16 (i.e., the wireless communications server)
the access points adapted to wirelessly transmit and receive data to and from remote units using a radio frequency communications such that the remote units form part of a wireless Local Area Network,	"The system uses access points 14 to provide radio packet communications with the mobile units 12 using the frequency hop spread spectrum communications protocol of IEEE Standard 802.11" ('625, 7:10-12; '302, 4:1-3); see '625, 8:17-9:1; '302, 5:6-9 re two-way transmitting.
wherein the wireless communication server is physically separate from the access points,	switching hub 16 (i.e., the wireless communications server) is physically separate from access points 14

the wireless communication server maintaining centralized filtering and forwarding of data to be transmitted to the remote units.	"The hub will route the packet to an access point only if the destination address of the packet is identified on the list 34, otherwise the packet is ignored." ('625, 8:17-19; '302, 5:6-7).
37. The wireless Local Area Network system of Claim 19 wherein the wireless communication server is operably connected through conventional network elements to the access points.	Communication line 20 between switching hub 16 (i.e., the wireless communications server) and each access point 14 transmits Ethernet packets ('625, 9:11-13; '302, 5:13-15).
38. A method of directing data to a remote unit in a wireless Local Area Network using access points and remote units, comprising:	The title refers to "Wireless LANs"; the system employs access points 14 and mobile (i.e., remote) units 12.
in a wireless communication server which is physically separate from the access point, analyzing network data to determine, from a remote unit identification, a desired access point to transmit the data, the wireless communication server being adapted to select the desired access point from a number of possible access points;	"Switching hubs 16 [i.e., the wireless communications server, which is physically separate from access points 14] determine the destination of each packet and route packets to access points 14 if the destination of the packet is a mobile unit 12 associated with the access point" ('625, 8:4-5; '302, 4:14-16).
in the wireless communication server, forwarding the data to the correct access point;	"The hub will route the packet to an access point only if the destination address of the packet is identified on the list 34, otherwise the packet is ignored." ('625, 8:17-19; '302, 5:6-7).
in an access point, wirelessly transmitting the data to the remote unit using a radio frequency communication link,	"The system uses access points 14 to provide radio packet communications with the mobile units 12 using the frequency hop spread spectrum communications protocol of IEEE Standard 802.11" ('625, 7:10-12; '302, 4:1-3); see '625, 8:17-9:1; '302, 5:6-9 re two-way transmitting.
wherein the network data is filtered by the wireless communication server such that the access point needs not examine the remote unit identification to determine whether to transmit the data.	"The hub will route the packet to an access point only if the destination address of the packet is identified on the list 34, otherwise the packet is ignored." ('625, 8:17-19; '302, 5:6-7).
39. The method of Claim 38 wherein the wireless communication server uses a destination table to associate a remote unit with an access point.	"intelligent hub [i.e., the wireless communications server] which maintains a routing list of mobile units 12 and their associated access point 14" ('625, 8:6-11; '302, 4:17-18).

40. The method of Claim 38 further comprising providing at least one additional wireless communication server.	At least one additional hub 16 (i.e., wireless communications server) is shown in Fig. 1 of the '625 and '302 applications.
41. The method of Claim 40 wherein the at least one additional wireless communication server is associated with additional access points.	At least one additional hub 16 (i.e., wireless communications server) and associated additional access points 14 are shown in Fig. 1 of the '625 and '302 applications.

B. U.S. Application No. 09/457,624

U.S. Patent Application No. 09/457,624, was filed December 8, 1999 and is not believed to claim priority from any earlier application.

C. Applicants Are Entitled to Senior Party Status

Applicants respectfully submit that they are entitled to senior party status because they have the earlier effective filing date of January 16, 1998, as compared to the December 8, 1999 filing date of U.S. Patent Application No. 09/457,624.

III. Conclusion

The same subject matter as claimed in at least some claims of U.S. Patent Application No. 09/457,624, is disclosed and claimed in this application. An early declaration of interference between U.S. Patent Application No. 09/457,624, and this application is earnestly requested. If a telephone conference would advance examination, the Examiner is invited to call the undersigned.

Applicant : Beach et al.
Serial No. : Symbol Technologies Inc.
Filed : January 14, 1999
Page : 9 of 9

Attorney's Docket No.: 15696-002001

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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